

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VISHVA DESAI and PHILIP J. CHARVAT, on
behalf of themselves and others similarly
situated

Plaintiffs,

Case No. 1:11-cv-1925

vs.

ADT SECURITY SERVICES, INC.

Defendant.

AFFIDAVIT OF ROBERT TANTALO

1. My name is Robert Tantalo, I am over 18 years old, currently reside in Boca Raton, FL, and am the President of 2freenites.com, as well as its only employee.

2. 2freenites.com is a lead generator that specializes in generating leads for the timeshare business.

3. However, at times, 2freenites.com has engaged in selling leads it obtains to various telemarketers.

4. One of the telemarketers to whom 2freenites sold leads was Europe Media International, Inc. or "EMI".

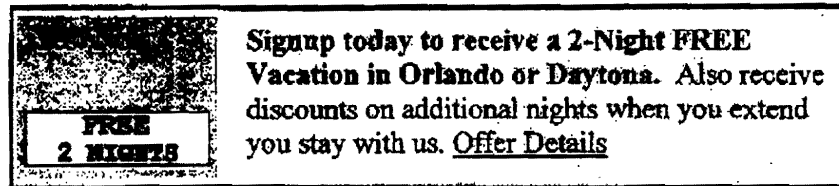
5. It was my understanding that the business of EMI was to telemarket via pre-recorded message.

6. 2freenites.com sold leads directly to Chris Long and Chris Lopez of EMI. When 2freenites.com initially dealt with Long and Lopez they used a different corporate name, which I believe was Nationwide Media, Inc. ("Nationwide").

7. 2freenites.com sold leads to EMI regularly from August 30, 2009 to December 28, 2009.
8. 2freenites.com also sold leads to EMI in a one-time data purchase on September 21, 2010.
9. 2freenites.com sold Chris Long and Chris Lopez of Nationwide and EMI millions of leads.
10. In approximately August of 2009, Chris Lopez sent me a general disclosure which stated that consumers participating in promotions on 2freenites.com were thereby providing consent to receive telemarketing calls from EMI. EMI asked that this disclosure be added to 2freenites.com.
11. Only a small number of leads sold to EMI actually came directly from 2freenites.com. This number was less than twenty a month, if any.
12. In fact, the 2freenites.com website was maintained in order to have a published forum for the disclosures of its clients.
13. Almost all of the leads 2freenites.com sold to EMI were not generated on 2freenites.com.
14. Most of the leads 2freenites.com sold to EMI were purchased from a network of twenty to thirty different lead generation web-sites that that run promotional offers on the internet.
15. Examples of some of these web sites are: www.silvercarrot.com, www.mediawhiz.com, and www.valueclick.com.
16. These websites, in turn, obtained the leads that were sold to 2freenites.com, and then to EMI, from yet more lead generation web sites with which they were affiliated.

17. The disclosure that ran on 2freenites.com did not appear on the web sites referenced above. Instead, those websites included a hyperlink to 2freenites.com.

18. An example of the 2freenites hyperlink that would appear on the lead generation site is included below:



19. A consumer was only informed that they would receive telemarketing calls from EMI if they clicked on the 2freenites hyperlink and then went to the Terms and Condition and Privacy pages of www.2freenites.com.

20. The consent language and privacy policies on those lead generation web sites who 2freenites.com purchased leads from, and then sold to Nationwide and EMI, typically informed a consumer that by participating in a promotion, the consumer was consenting to receive telemarketing calls from "affiliates" of that website.

21. I specifically recall explaining to Mr. Lopez that my leads were generated primarily through lead generation web sites and not www.2freenites.com.

22. I also e-mailed Mr. Lopez and Mr. Long an example of the hyperlink that appears in paragraph 18, which linked www.2freenites.com to the many lead generation web sites from which 2freenites.com purchased leads that were then sold to Nationwide and EMI.

23. I explained to Messrs. Long and Lopez that a consumer participating in a promotion on the twenty to thirty lead generation web-sites, from which 2freenites.com purchased leads that were sold to Nationwide and EMI, was only informed that they would receive telemarketing calls from EMI and its clients, if the consumer clicked on the

www.2freenites hyperlink and then went to the Terms and Condition and Privacy pages of www.2freenites.com.


24. Shortly after EMI began telemarketing with the leads purchased from 2freenites.com, consumers began to complain they were being contacted illegally by EMI via pre-recorded message.

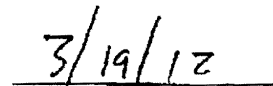
25. After these complaints began to come in, several months after 2freenites.com began selling leads to EMI, EMI asked me to revise the disclosure listed on 2freenites.com, but continued to purchase leads from 2freenites.com

26. At no time did any disclosure on 2freenites.com mention ADT Security Systems.

27. The disclosures on 2freenites.com also never mentioned Defender Direct, Alarmpros, Saveology or Home Alert.

Sworn as true to the best of my knowledge and belief, subject to the penalties of perjury.


Signature


Date